

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MARK ESPOSITO,	:	Civil Action No. 17-3335 (MAS)
	:	
Plaintiff,	:	
	:	
v.	:	PRETRIAL SCHEDULING ORDER
	:	
AFNI, INC., et al.,	:	
	:	
Defendants.	:	
_____	:	

This matter having come before the Court during an initial scheduling conference on September 25, 2017; pursuant to FED. R. CIV. P. 16; and the Court having conferred with counsel concerning the timely completion of discovery; and good cause appearing for the entry of the within Order;

IT IS on this 26<sup>th</sup> of September 2017,

ORDERED THAT:

**I. DISCLOSURES**

1. The Parties must exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1), including production of all relevant agreements between the parties, call logs and call recordings, by October 30, 2017.

2. Counsel must conduct the E-Discovery conference required by L. Civ. R. 26.1(d) by October 30, 2017.

**II. DISCOVERY**

3. The Parties must serve initial written discovery requests by October 30, 2017.

4. In accordance with Fed. R. Civ. P. 30, the Parties are limited to 10 depositions, per side. In accordance with Fed. R. Civ. P. 33, the Parties will be limited to 25 interrogatories (including all subparts) per party.

5. Defendants' written discovery responses must be served by December 13, 2017.

6. No objections to questions posed at depositions shall be made other than as to lack of foundation, form or privilege. *See* Fed. R. Civ. P. 32(d)(3)(A). No instruction not to answer shall be given unless a privilege is implicated.

7. Any motion to amend the pleadings or join new parties, whether by amended or third-party complaint must be filed by January 15, 2018.

8. The Parties must complete fact discovery, including depositions, by January 15, 2018. No discovery is to be issued or conducted after this date.

9. Counsel must meet and confer in a good faith attempt to resolve any discovery or case management dispute before bringing such dispute to the attention of the Court. Any unresolved dispute must be brought to the Court's attention promptly by letter to the undersigned. Failure to timely raise a discovery dispute may result in a waiver.

10. No discovery motion shall be made without prior leave of the Court.

### **III. DISCOVERY CONFIDENTIALITY ORDER**

11. Any proposed confidentiality order must be submitted by November 15, 2017 and comply with Fed. R. Civ. P. 26(c) and L. Civ. R. 5.3. Any such order must be clearly designated "Discovery Confidentiality Order." *Id.*

11. All affirmative experts' disclosures must be served by February 28, 2018.

### **IV. FUTURE CONFERENCES**

12. The Court will conduct a telephone status conference on November 16, 2017 at 4:00 P.M. Defense counsel will initiate the call. During the call, the Court will set a schedule for expert discovery and/or dispositive motions.

13. The Court will conduct a Settlement Conference on February 6, 2018 at 2:00 P.M. Trial counsel and client representatives (including a fully authorized representative of the insurance carrier for any insured entity) with full settlement authority are required to attend.

14. The Court may, from time to time, schedule conferences as may be required, either on its own motion or at the request of counsel. Failure to appear at subsequent conferences, or to comply with any of the terms of this Order, may result in sanctions.

15. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of the Court, even with consent of all counsel.

*s/ Douglas E. Arpert*  
**DOUGLAS E. ARPert**  
United States Magistrate Judge